

**REAL ESTATE BOARD
MINUTES
DECEMBER 2, 2004**

PRESENT: Richard Hinsman, Richard A. Kollmansberger, Peter Sveum, and Lloyd Levin

EXCUSED: Rebecca J. Dysland and Maria E. Watts

STAFF PRESENT: Roxanne Peterson, Direct Licensing Coordinator; William Black, Legal Counsel; Pat Schenck, Program Assistant; and Division of Enforcement Staff

GUESTS: Rick Staff, WRA
Cori Lamont, WRA

CALL TO ORDER

Richard Kollmansberger, Chair, called the meeting to order at 10:00 a.m. A quorum of four members was present.

ADOPTION OF AGENDA

Additions to Agenda:

- Proposed Stipulation – Myron L. Herman Item # 11. d. 8.
- Three additional case closings under Item # 11. b.

MOTION: Richard Hinsman, moved, seconded by Lloyd Levin, to adopt the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES SEPTEMBER 23, 2004

MOTION: Richard Hinsman moved, seconded by Peter Sveum, to approve the minutes of September 23, 2004 as written. Motion carried unanimously.

APPROVAL OF MINUTES OCTOBER 13, 2004

MOTION: Richard Hinsman moved, seconded by Peter Sveum, to approve the minutes of October 13, 2004 as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

- i. David J. Reed, Viroqua (02 REB 029)
- ii. Mrs. Troy P. Craig, Pleasant Prairie (02 REB 251)
- iii. Christopher M. Torzala, Chicago (03 REB 051)
- iv. Nathan J. Ziegel and Badger Area Development, Ashland (03 REB 239)
- v. Dennis C. Midthun & Real Estate Preferred, Inc., d/b/a Remax Preferred, Madison

- (01 REB 056)
- vi. William W. Ranquette, Waunakee (03 REB 235)
 - vii. Gail M. Kane, Sturgeon Bay (01 REB 317, 02 REB 095, 02 REB 150, 02 REB 212, 02 REB 237, 03 REB 164)
 - viii. Myron Herman 01 REB 107, 01 REB 261 and 02 REB 149

ADMINISTRATIVE REPORT – ROXANNE PETERSON

Board Roster

2005 Screening Panel Schedule:

- Team 1 - Lloyd Levin and Rebecca Dysland - February, May, August, November
- Team 2 – Peter Sveum and Maria Watts – March, June, September, December
- Team 3 – Richard Kollmansberger and Lisabeth Weirich – January, April, July, October

Mr. Kollmansberger presented Richard E. Hinsman with a plaque to acknowledge and thank him for his ten years of service and dedication to the citizens of Wisconsin as a member of the Real Estate Board.

2005 Board Meeting Dates

Noted

Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation

Noted

CODE BOOK POLICY

Ms. Peterson reported on the Department's new codebook policy. The Department will no longer be printing hard copies of the statutes and administrative codebooks for the professions.

Customers will have three choices for getting the statutes and administrative codes:

1. Print statutes and administrative code from the Department's web site,
2. purchase a printed copy from Document Sales at a cost of \$15.00 for the smallest books, \$20.00 for the mid-sized books and \$25.00 for the larger books, or
3. purchase the entire code book on CD from Document Sales for approximately \$ 6.50.

These prices include shipping and handling.

ADMINISTRATIVE RULES

Public Hearing on Proposed Amendment of RL 17 Re: Supervision 10:30 A.M.

A public hearing was held at 10:30 a.m., Rm. 179A 1400 E. Washington Ave. to consider an order to repeal RL 17.02(1), (2), and (4), 17.09, 17.10 and 17.11; to amend RL 17.04, 17.08 (1) and 17.12 (1); and to create RL 17.02 (4g) and (4r), 17.08 (1m) and (3) to (5), relating to supervision by real estate brokers.

Rick Staff, WRA spoke in favor of the rule changes.

Mr. Black reviewed minor changes to the rule by the Wisconsin Legislative Council Rules Clearinghouse.

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to approve the proposed f RL 17 incorporating the recommendations of the Clearinghouse and Mr. Black; and to recommend to the Department to move forward with the promulgation process. Motion carried unanimously.

RECIPROCAL AGREEMENT REVIEW AND CONSULTATION

Indiana Reciprocity Non-Resident Licensing Agreement

Mr. Black reported that the agreement with Indiana was effective on October 26, 2004.

Illinois Reciprocity Non-Resident Licensing Agreement

The agreement with Illinois was effective on November 3, 2004.

VERIFICATION OF LICENSE IN GOOD STANDING FOR OUT-OF-STATE APPLICANTS

The reciprocal agreements with Indiana and Illinois require that the out-of-state applicant submit a verification of license in good standing as a condition for obtaining a license. "Verification of Registration" (Form #2688) will be available for applicants. The Department will also require that all out-of-state applicants, whether from a reciprocal state or not, submit a verification of license in good standing. This requirement takes effect immediately.

PRACTICE QUESTIONS

None.

DIVISION OF ENFORCEMENT CASE HANDLING PROCEDURE – JACK TEMBY

Mr. Temby met with the Board to discuss the options available for case advisors when making a decision on imposing appropriate discipline. General principles include protecting the public, licensure qualifications, establishing minimum competency. A private letter of warning, an administrative warning, a reprimand, limitations on credential holders license, request additional educational training, suspend or revoke a credential are some of the options available to the case advisors when making a discipline action decision on credential holder for incompetency. The discipline chosen should match the level of incompetence.

Mr. Temby distributed printouts of the Department's web site and led the Board through the process of accessing public records of the reports of decisions.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Richard Hinsman moved, seconded by Lloyd Levin , to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning. Motion carried by roll call vote. Richard Hinsman-yes, Richard A. Kollmansberger-yes, Peter Sveum-yes, Lloyd Levin-yes.

Open session recessed at 11:16 a.m.

RECONVENE TO OPEN SESSION

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to reconvene into Open Session at 11:55 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION MONITORING REPORT

None.

CASE CLOSINGS

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to close the following cases: Motion carried unanimously.

01 REB 271 for no violation against **Elaine Bender**, for prosecutorial discretion (P4) against **Gary Worden and Triangle Resource** and for prosecutorial discretion (P7) against **James Stone**.

02 REB 285 for prosecutorial discretion (P1).

03 REB 113 for insufficient evidence.

03 REB 138 for no violation against Thomas D. Musgrave, Sparks White Investments, Inc and for Lauren S. Stockdale-Sparks.

03 REB 142 for no violation.

03 REB 147 for prosecutorial discretion (P4).

03 REB 215 for prosecutorial discretion (P2).

04 REB 024 for no violation.
03 REB 217 for no violation.
02 REB 061 for insufficient evidence.
02 REB 167 for insufficient evidence.
02 REB 018 for no violation.
02 REB 024 for no violation.
02 REB 057 for prosecutorial discretion (P1).
02 REB 176 for prosecutorial discretion (P1).
02 REB 188 for prosecutorial discretion (P1).
02 REB 205 for insufficient evidence.
02 REB 211 for prosecutorial discretion (P1).
02 REB 215 for prosecutorial discretion (P2).
02 REB 234 for prosecutorial discretion (P2).
02 REB 260 for insufficient evidence.
02 REB 295 for no violation.
03 REB 005 for insufficient evidence.
03 REB 020 for prosecutorial discretion (P3).
03 REB 029 for insufficient evidence.
03 REB 036 for insufficient evidence.
03 REB 061 for insufficient evidence.
03 REB 064 for insufficient evidence.
03 REB 101 for prosecutorial discretion (P2).
03 REB 103 for insufficient evidence.
03 REB 124 for no violation.
04 REB 045 for no violation.
03 REB 026 for no violation against Donald Horning and Shorewest Realtors.
03 REB 256 for prosecutorial discretion (P1).
01 REB 317, 02 REB 095, 02 REB 150, 02 REB 212, 02 REB 237, and 03 REB 164 for prosecutorial discretion (P5) for **Door County Vacation Rentals LLC**.
04 REB 044 for no violation or insufficient evidence.

ADMINISTRATIVE WARNINGS

03 REB 026 MARNE A. LEIPOLD

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to accept the administrative warning as written for case **03 REB 026 Marne A. Leipold**. Motion carried unanimously.

STIPULATIONS

DAVID J. REED, VIROQUA (02 REB 029)

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter

concerning **David J. Reed, Viroqua (02 REB 029)**. Motion carried unanimously.

MRS. TROY P. CRAIG, PLEASANT PRAIRIE (02 REB 251)

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Mrs. Troy P. Craig, Pleasant Prairie (02 REB 251)**. Motion carried unanimously.

CHRISTOPHER M. TORZALA, CHICAGO (03 REB 051)

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Christopher M. Torzala, Chicago (03 REB 051)**. Motion carried unanimously.

**NATHAN J. ZIEGEL AND BADGER AREA DEVELOPMENT, ASHLAND
(03 REB 239)**

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Nathan J. Ziegel And Badger Area Development, Ashland (03 Reb 239)**. Motion carried unanimously.

**DENNIS C. MIDTHUN & REAL ESTATE PREFERRED, INC., D/B/A REMAX
PREFERRED, MADISON (01 REB 056)**

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Dennis C. Midthun & Real Estate Preferred, Inc., D/B/A Remax Preferred, Madison (01 REB 056)**. Motion carried unanimously.

WILLIAM W. RANQUETTE, WAUNAKEE (03 REB 235)

MOTION: Richard Hinsman moved, seconded by Lloyd Levin,, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **William W. Ranquette, Waunakee (03 REB 235)**. Motion carried unanimously.

**GAIL M. KANE, STURGEON BAY
(01 REB 317, 02 REB 095, 02 REB 150, 02 REB 212, 02 REB 237, 03 REB 164)**

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Gail**

M. Kane, Sturgeon Bay (01 REB 317, 02 REB 095, 02 REB 150, 02 REB 212, 02 REB 237, 03 REB 164). Motion carried unanimously.

MYRON L. HERMAN 01 REB 107, 01 REB 261, 02 REB 149

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Myron L. Herman 01 REB 107, 01 REB 261, 02 REB 149.** Motion carried unanimously.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

Mr. Hinsman leaves the Board with one request that Board members look at screening cases with a critical eye, keeping in mind, what portions of the case could have been avoided if there had been better supervision on the part of the broker.

ADJOURNMENT

MOTION: Richard Hinsman moved, seconded by Lloyd Levin, to adjourn the meeting at 12:00 noon. Motion carried unanimously.